

REMARKS

In the present Amendment, claim 6 is amended to incorporate the subject matter of claim 30, which depended from claim 1. Independent claim 27 is also amended to incorporate the subject matter of claim 30. Accordingly, claims 28-30 are canceled.

Claims 12 and 14-19 are canceled without prejudice or disclaimer.

Claim 23 is amended to depend from claim 2.

No new matter has been added, and entry of the Amendment is respectfully requested.

Upon entry of the Amendment, claims 2-13, 21-27 and 31 will be pending.

(A) In Paragraph No. 4 at page 2 of the Office Action, claim 23 is rejected under 35 U.S.C. § 112, second paragraph, as allegedly lacking antecedent basis for the recitation “silver halide.”

Claim 23 is amended herein to depend from claim 2, which recites a “silver halide.”

Withdrawal of the rejection of claim 23 is respectfully requested.

(B) In Paragraph No. 7 at page 3 of the Office Action, claims 2-7, 9, 12, 21-23, and 25-29 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Pub. No. 2001/0015279 (“Marutsuka”) in view of the English, machine translation of JP 2000-149773 (“Takaoka”).

In Paragraph No. 8 at page 4 of the Office Action, claims 6, 9, 10, 12, 21, 23, 25, 27-29 and 31 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Marutsuka in view of U.S. Pub. No. 2001/0045362 (“Deng”) and Takaoka.

In addition, in Paragraph No. 9 at page 6 of the Office Action, claims 8 and 24 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Marutsuka in view of Deng and further in view of U.S. Patent No. 3,989,522 (“Poot”); in Paragraph No. 10 at page 6

of the Office Action, claim 9 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Marutsuka in view of Deng and further in view of U.S. Patent No. 4,362,796 ("Monroe"); in Paragraph No. 11 at page 7 of the Office Action, claim 10 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Marutsuka in view of Takaoka and further in view of Deng; in Paragraph No. 12 at page 7 of the Office Action, claim 11 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Marutsuka in view of Deng and further in view of U.S. Patent No. 4,631,214 ("Hasegawa"); in Paragraph No. 13 at page 8 of the Office Action, claim 13 rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Marutsuka in view of Deng and further in view of U.S. Patent No. 7,060,241 ("Glatkowski"); and in Paragraph No. 14 at page 8 of the Office Action, claim 13 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Marutsuka in view of Deng and Takaoka and further in view of Glatkowski.

Without acquiescence in the merits of the rejections, to advance prosecution, independent claims 6 and 27 are amended herein to incorporate the subject matter of claim 30. Claim 30 is not subject to any of the proceeding rejections and was indicated by the Examiner as containing allowable subject matter. Office Action at p. 11.

Withdrawal of the prior art rejections is respectfully requested.

(C) In Paragraph No. 15, the Examiner indicates that should claim 27 be found allowable, claim 12 will be objected to for allegedly being a substantial duplicate thereof.

Without conceding to the merits of the rejection, claim 12 is canceled herein.

Withdrawal of the objection is respectfully requested.

(D) In Paragraph No. 17 at page 9 of the Office Action, claims 2-7, 9, 12-13, 21-23, 25-29 and 31 are provisionally rejected on the ground of nonstatutory obviousness-type double

patenting as allegedly being unpatentable over claims 1-6 of copending Application No. 11/159218 in view of Takaoka.

In Paragraph No. 18 at page 9 of the Office Action, claims 8 and 24 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 1-6 of copending Application No. 11/159218 in view of Takaoka and Poot.

In Paragraph No. 19 at page 10 of the Office Action, claim 10 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 1-6 of copending Application No. 11/159218 in view of Takaoka and Deng.

In Paragraph No. 20 at page 10 of the Office Action, claim 11 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 1-6 of copending Application No. 11/159218 in view of Takaoka and Hasegawa.

Initially, the Examiner is advised that Applicants have concurrently filed an Amendment in copending Application No. 11/159218 that cancels claims 1-6 therein without prejudice or disclaimer. Thus, the above-listed provisional rejections based on copending Application No. 11/159218 are moot.

In addition, without acquiescence in the merits of the rejection, to advance prosecution, independent claims 6 and 27 are amended herein to incorporate the subject matter of claim 30, which is not included in the above-listed provisional rejections and was indicated by the Examiner as containing allowable subject matter.

Withdrawal of the nonstatutory obviousness-type double patenting rejections based on copending Application No. 11/159218 is respectfully requested.

(E) In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the local, Washington, D.C., telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Michael G. Raucci
Registration No. 61,444

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: September 25, 2008